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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/806,918	03/22/2004	Yu Zheng	PAT-1556	2471

7590  
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11/23/2005

EXAMINER

HAWK, NOAH CHANDLER

ART UNIT PAPER NUMBER

3637

DATE MAILED: 11/23/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/806,918

Applicant(s)

ZHENG, YU

Examiner

Noah C. Hawk

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-36 is/are pending in the application.
- 4a) Of the above claim(s) 1-5 and 12-36 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 6-11 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)               | Paper No(s)/Mail Date. ____.  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>3/22/04 &amp; 4/6/04</u> .  | 6) <input type="checkbox"/> Other: ____.                                    |

### **DETAILED ACTION**

1. Applicant's election without traverse of the embodiment of Figure 7, claims 6-11, in the reply filed on 10/27/05 is acknowledged.
2. Claims 1-5 and 12-36 withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected species, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on 10/27/05.

### ***Information Disclosure Statement***

3. The listing of references, specifically US Patent 5560385, in the specification is not a proper information disclosure statement. 37 CFR 1.98(b) requires a list of all patents, publications, or other information submitted for consideration by the Office, and MPEP § 609.04(a) states, "the list may not be incorporated into the specification but must be submitted in a separate paper." Therefore, unless the references have been cited by the examiner on form PTO-892, they have not been considered.

### ***Claim Rejections - 35 USC § 112***

4. Claim 7 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 7 recites the element "a solid object positioned in the space." It is unclear what the applicant intends this element to be or how the element relates to the rest of the claimed subject matter.

***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 6, 8 and 9 are rejected under 35 U.S.C. 102(b) as being anticipated by Zheng in US Patent 6360761.

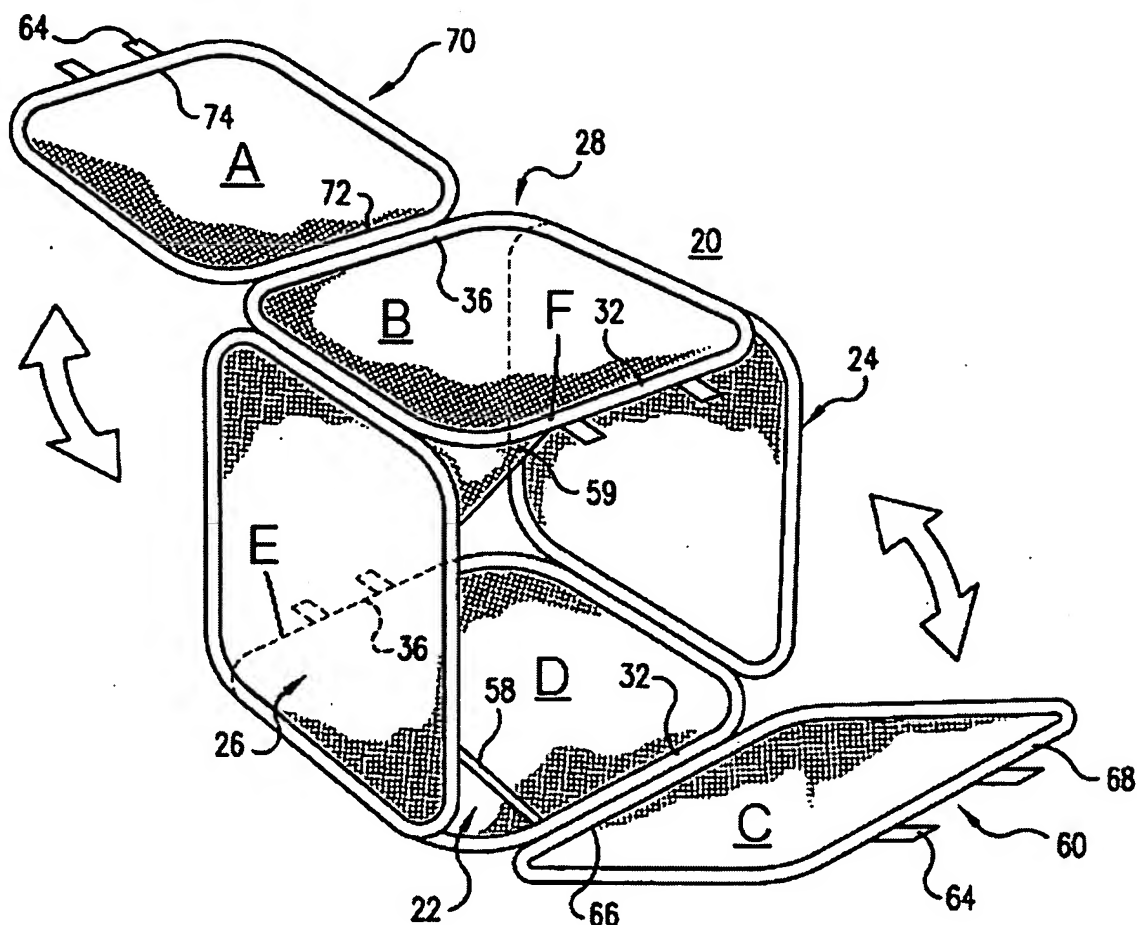
a. Regarding Claim 6, Zheng '761 discloses an assembly, comprising a first panel (A, best seen in Zheng '761, Figure 5), a second panel (B), a third panel (C) and a fourth panel (D), each panel defined by a foldable frame member (40, see Zheng '761, Column 3, lines 21-26) that has a folded and an unfolded orientation (see Zheng '761, Column 3, lines 44-48), and a sheet material (42, see Zheng '761, Column 3, lines 49-56) covering the respective frame member when the respective frame member is in the unfolded orientation, each panel further having a left side and a right side; and wherein the right side (72) of the first panel is hingedly connected to the left side (36) of the second panel, the right side (66) of the third panel is hingedly connected to the left side (32) of the fourth panel, the left side (74) of the first panel is removably connected to the right side (E) of the fourth panel, and the right side (F) of the second panel is removably connected to the left (68) side of the third panel.

b. Regarding Claim 8, Zheng '761 discloses that each panel (A, B, C, D) has a periphery, and further includes a peripheral sleeve extending along the

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periphery of each panel for retaining the respective frame member (40, see Zheng '761, Column 3, lines 21-26).

c. Regarding Claim 9, Zheng '761 discloses that each frame member forms a plurality of concentric frame members when it has been twisted and folded into the folded orientation (see Zheng '761, Figures 3B, 3C, 3D and 3E, and Column 3, lines 36-48).



Zheng '761, Figure 5

### ***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Zheng '761 as applied to Claim 6 above. Zheng '761 discloses that the four panels are connected together to form a ring of panels that define a space therebetween (see Zheng '761, Column 3, lines 13-15: "comprises four panels... connected to each other to encircle an enclosed space"). It would have been obvious to one of ordinary skill in the art at the time of invention to modify the device of Zheng '761 by positioning a solid object in the enclosed space in order to utilize the ring of panels to hide the solid object.

9. Claims 10 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Zheng '761 as applied to Claim 6 above in view of Zheng in US Patent 6082386. As stated above, Zheng '761 discloses all of the limitation of Claim 6 including an assembly with four collapsible panels, but does not disclose the shapes of the panels. Zheng '386 discloses an assembly with four panels (82, 78, 80 and 76, Best seen in Zheng '386, Figure 4), wherein the first (82) and third (78) panels have a first size and shape and the second (80) and fourth (76) panels have a second size and shape that is different from the first size and shape. It would have be obvious to one of ordinary skill in the art at the time of invention to modify the device of Zheng '761 by using two sets of panels with different size and shape as taught by Zheng '386 in order to fulfill the size and shape needs of the artisan depending on how the assembly was to be used.

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Zheng '281, Zheng '394, Shinner et al., Louie '595, Chu et al., Louie '753, Zheng '552, and Louie '511 disclose collapsible structures.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Noah C. Hawk whose telephone number is 571-272-1480. The examiner can normally be reached on M-F 9am to 5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lanna Mai can be reached on 571-272-6867. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

NCH

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11/15/05

LANNA MAI  
SUPERVISORY PATENT EXAMINER  
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